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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,711

01/23/2004

Steven Allen Poll

35162.85001-001

7669

24335

7590

12/09/2005

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EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,711	<b>Applicant(s)</b> POLL, STEVEN ALLEN	
	<b>Examiner</b> David E. Bochna	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 6-9, 11 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Oetiker.

In regard to claim 1, Oetiker discloses a one-piece unitary compression cap 20 (fig. 6) for installation onto a cylindrical conduit 30 having a conduit diameter comprising:

a generally cylindrical wall 23 having opposite longitudinal ends and a generally uniform thickness between said ends, said cylindrical wall having a wall diameter enabling said wall to slide onto the conduit;

a shoulder 22 extending radially inwardly from one of said ends and forming a stop against the conduit; and

at least one inward deformation projecting inward from (24b in fig. 4) said cylindrical wall, said deformation providing a friction fit between said cap and said conduit ms said cap is slid onto the conduit (see fig. 5).

In regard to claim 2, wherein said inward deformation comprises at least one rib 24b.

In regard to claim 4, comprising a plurality of deformations 24a, 24b approximately evenly spaced about the circumference of said wall.

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In regard to claim 6, wherein said shoulder 22 extends around the entire circumference of the one end of the wall.

In regard to claim 7, wherein the other end of said wall flares 21 radially outwardly.

In regard to claim 8, Oetiker discloses a plumbing connection comprising:

a fitting 10;

a generally cylindrical conduit 30 having an outer surface with a conduit diameter and an end fitted onto said fitting 10; and

a one-piece unitary compression cap 20 on said end of said conduit and adapted to be compressed about said conduit to secure said conduit on said fitting, said cap including first and second ends, a cylindrical sidewall having a generally uniform thickness between said ends, and an inward deformation 24a projecting radially inwardly from said sidewall, said cylindrical sidewall having a wall diameter enabling said sidewall to slide on said conduit end, said deformation engaging said conduit and providing a friction fit between said cap and said conduit as said cap is slid onto said conduit end (see fig. 5).

In regard to claim 9, wherein said cap includes a plurality of said inward deformations (24a, 24b) spaced about the circumference of said cap.

In regard to claim 11, wherein:

said cap 20 includes first and second ends; and said cap includes a shoulder 22 extending radially inwardly from said first end, said conduit engaging said shoulder.

In regard to claim 13, wherein said shoulder 22 extends around the entire circumference of said first end of said cap.

In regard to claim 14, further comprising a lip 21 extending radially outwardly from the second end of the cap.

In regard to claim 15, Oetiker discloses a method of mounting a cylindrical conduit 30 having a conduit diameter on a fitting comprising the steps of:

Sliding a one-piece unitary compression cap 20 (see fig. 1) on an end of the conduit, the cap including first and second ends, a cylindrical sidewall having a generally uniform thickness between the first and second ends, and at least one inwardly extending deformation 24 extending radially inwardly from the cylindrical sidewall, the deformation dimensioned to provide an interference fit between the cap and the conduit as the cap is slid onto the conduit;

After the sliding step, positioning the conduit end on the fitting 10; and

After the positioning step, compressing the cap to compress and secure the conduit on the fitting.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oetiker in view of Applicant's admitted prior art figures 1 and 2. As noted above the Oetiker coupling discloses the claimed device except for the particular structure of the window of claims 5 and 12. The prior art figures 1 and 2 of the present application disclose that it is known in the art to provide a similar type coupling with the configuration of a window 115 for viewing the hose for

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proper insertion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the window as taught in applicant's admitted prior art figures to the cap of Appleton in order to provide a more secure coupling for the inserted hose due to the increased insurance that the hose is properly seated in the cap due to visual inspection through the window.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-2, 4-9, 11-15 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

6. Claims 3 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "David Bochna", with a stylized flourish at the end.

David E. Bochna  
Primary Examiner  
Art Unit 3679